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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,218	09/11/2003	Gregory Richard Hintermeister	ROC920030242US1	7694

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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,218	Applicant(s) HINTERMEISTER ET AL.	
	Examiner Olumide T. Ajibade-Akonai	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-11 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-11 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 21, 2006 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 6, 8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Forman et al 20040203645 (hereinafter Forman)**.

Regarding **claims 1 and 11**, Forman discloses a method and signal bearing

medium encoded with instructions (cellular provider service that monitors the call-in-progress, see fig. 2, p.1, [0016]-[0017]), wherein the instructions when executed comprising detecting that a connection is lost while a call between a telephone and a party is in progress (calling parties receive notification of a dropped call from a cellular provider service that monitors the call-in-progress, see fig. 2, p.1, [0016]-[0017]), prompting via the telephone (cell phone or landline phone, see figs. 1 and 3, p.1, [0016]) for a user-entered message (see fig. 2, p.2, [0019]) in response to the detection (the caller is given the "press 2" option to leave a message, see fig. 2, p.2, [0019]), saving the user-entered message until the connection is available (see p.2, [0023]), sending the user-entered message after the connection is available to the party of the call (see fig. 2, p.2, [0023]), and requesting, from the telephone to a server (cell phone service provider, see fig. 2, p.2, [0023]), that the server send a transcript of the previously sent messages stored at the server from the server to the party of the call after the connection is available (cell phone initiates the transfer of stored messages, see fig. 2, p.2, [0023]).

Regarding **claim 4**, as applied to claim 1, Forman further discloses wherein the sending further comprises sending the user-entered message to the party via the server (cell phone initiates the transfer of stored messages, see fig. 2, p.2, [0023]).

Regarding **claim 6**, Forman discloses an apparatus (cell phone service provider, see fig. 2, p.2, [0023]) comprising: a means for detecting that a connection is unavailable while a call between a telephone and a party (cell phone and landline phone, see figs. 1 and 3, p.1, [0016]) is in progress (cellular provider service monitors

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the call-in progress to determine if a call was dropped, see fig. 2, p.1, [0016]-[0017]), means for receiving at least one user-entered message (see fig. 2, p.2, [0019], [0023]), means for saving at least one user-entered message until the connection is available (see p.2, [0023]), means for sending the at least one user-entered message to the party of the call after the connection is available (see fig. 2, p.2, [0023]), and means for requesting from the telephone to the server, that a server send a transcript of previously sent messages stored at the server from the server to a party of the call after the connection is available (cell phone initiates the transfer of stored messages, see fig. 2, p.2, [0023]).

Regarding **claim 8**, as applied to claim 6, Forman further discloses wherein the means for sending the at least one user-entered message further comprises means for sending the at least one message via the server (cell phone initiates the transfer of stored messages, see fig. 2, p.2, [0023]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Forman et al 20040203645 (hereinafter Forman)** in view of **Provost et al (20040203948)**.

Regarding **claim 5**, as applied to claim 4, Forman discloses the claimed invention except further comprising receiving an acknowledgement from the server, and presenting the acknowledgement.

In the same field of endeavor, Provost et al teaches receiving an acknowledgement from the server (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]), and presenting the acknowledgement (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message by email, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of Forman for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

Regarding **claim 9**, as applied to claim 8, Forman discloses the claimed invention except further comprising means for receiving an acknowledgement that the at least one message was received at the server, and presenting the acknowledgement.

In the same field of endeavor, Provost et al teaches a means for receiving an acknowledgement (information about the status of the messages that have been

sent, see p.4, [0101]) that the at least one message was received at the server (intermediary server 3 sends a message to the sender giving information about the status of messages sent to the mobile terminal 2 through the intermediary server 3, see p.4, [0101]), and presenting the acknowledgement (intermediary server sends a dynamic HTML page to the sender giving information about the status of messages sent, see p.4, [0101]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of Forman for the benefit of enabling the sender to keep track of message progress.

Regarding **claim 10**, as applied to claim 8, Forman discloses the claimed invention except further comprising means for receiving an acknowledgement that the at least one message was sent from the server to the party, and means for presenting the acknowledgement.

In the same field of endeavor, Provost et al discloses a means for receiving an acknowledgement that the at least one message was sent from the server to the party (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]), and means for presenting the acknowledgement (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message by email, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of Forman for the benefit of

providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

7. Claims 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over **McKay (20020187788)** in view of **Forman et al 20040203645 (hereinafter Forman)**.

Regarding **claim 16**, McKay discloses a server (a server computer is coupled to the BSC, see p.2, [0023]) comprising: a processor (central processor unit, see p.2, [0023]), a storage device (memory, see p.2, [0023]) encoded with instructions (software programs, see p.2, [0024]), wherein the instructions when executed on the processor comprise: receiving a command (server computer receives instructions from the second party, see p.4, [0037]), wherein the command designates a destination (the instructions from the second party to attempt a reconnection with the first party, see p.4, [0037]) and a criteria (calling party number, see p.4 [0039]), and wherein the command is sent to the server from a telephone in response to the server detecting that a connection is lost while a call from the telephone to a party is in progress (server computer receives instructions from the second party to attempt a reconnection, see fig. 6, p.4, [0037]), retrieving a transcript of previously-sent messages at the server (call context is stored in a storage device in the server, see p.4, [0040]) based on the criteria (server computer goes back to the context stored in a database in attempting restore disconnected call, see p.4, [0040]), determining whether the connection is available (server attempts to restore pre-disconnection status to the connection, see p.4, [0040]).

McKay fails to disclose receiving a user-entered message that was prompted for in response to the telephone detecting that the connection was lost, and

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when the connection is available, sending the transcript of previously-sent messages and the user-entered messages to the destination, wherein the destination comprises the party to the call.

In the same field of endeavor, Forman discloses receiving a user-entered message (see fig. 2, p.2, [0019]) that was prompted for in response to the telephone detecting that the connection was lost (the caller is given the “press 2” option to leave a message, see fig. 2, p.2, [0019]), and when the connection is available, sending the transcript of previously-sent messages and the user-entered messages to the destination, wherein the destination comprises the party to the call (cell phone initiates the transfer of stored messages, see fig. 2, p.2, [0023]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Forman with McKay for the benefit of providing valued added services to mobile users experiencing a disruption in service.

Regarding **claim 17**, as applied to claim 16, McKay further discloses wherein the criteria further comprise an identification of a sender (calling party number, see p.4, [0039]) that previously sent the saved message via the server (two or more entities involved in a telephone or data call via telecommunications equipment, see p.4, [0033]-[0034]).

Regarding **claim 18**, as applied to claim 16, McKay further discloses wherein the criteria further comprise an identification of a receiver (called party number see p.4, [0039]) that previously received the saved message from the server (two or more

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entities involved in a telephone or data call via telecommunications equipment, see p.4, [0033]-[0034]).

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKay (20020187788)** in view of **Forman et al 20040203645 (hereinafter Forman)** as applied to claim 16 above, and further in view of **Provost et al (20040203948)**.

Regarding **claim 19**, as applied to claim 16, McKay, as modified by Forman discloses the claimed invention except wherein the instructions further comprise sending an acknowledgement to an originator of the command after the receiving.

In the same field of endeavor, Provost et al discloses sending an acknowledgement to an originator of the command (sender of the message, see p.4, [0101]) after the receiving (intermediary server sends a dynamic HTML page to the sender giving information about the status of messages sent, see p.4, [0101]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of McKay and Forman for the benefit of enabling the sender to keep track of message progress.

Regarding **claim 20**, as applied to claim 16, McKay, as modified by Forman discloses the claimed invention except wherein the instructions further comprise sending an acknowledgement to an originator of the command after the sending.

In the same field of endeavor, Provost et al discloses wherein the instructions further comprise sending an acknowledgement to an originator (sender of the message, see p.4, [0101]) of the command after the sending (acknowledgement of

the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to further modify the combination of McKay, Forman and Provost et al for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park (20050130632) discloses a method and device for providing information of unfinished call.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER